

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Trevor Hackett	Team: Squad #13	CCRB Case #: 202004179	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 05/29/2020 9:10 PM	Location of Incident: Vicinity of Dekalb Avenue and Classon Avenue	Precinct: 88	18 Mo. SOL 11/29/2021	EO SOL 5/4/2022	
Date/Time CV Reported Wed, 06/10/2020 7:55 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 06/10/2020 7:55 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			
3. CPT Ryon Malcolm	00000	925654	088 PCT
4. CCA Jeffrey Maddrey	00000	899501	PBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. COD Terence Monahan	00000	876747	CD OFF

Officer(s)	Allegation	Investigator Recommendation
A.CPT Ryon Malcolm	Force: Captain Ryon Malcolm authorized the use of physical force against individuals.	
B.CCA Jeffrey Maddrey	Force: Chief Jeffrey Maddrey participated in the use of force against individuals.	
C.CCA Jeffrey Maddrey	Force: Chief Jeffrey Maddrey authorized the use of nightsticks/asps/batons against individuals.	
D.CCA Jeffrey Maddrey	Force: Chief Jeffrey Maddrey authorized the use of police shields against individuals.	
E. Officers	Force: Officers used physical force against Individuals.	
F. Officers	Force: Officers used physical force against individuals.	
G. An officer	Force: An officer used physical force against § 87(2)(b)	
H. An officer	Force: An officer struck § 87(2)(b) with a baton.	
I. Officers	Force: Officers struck individuals with batons.	
J. Officers	Force: Officers struck § 87(2)(b) with riot shields.	
K. Officers	Force: Officers struck § 87(2)(b) with riot shields.	
L. Officers	Force: Officers struck individuals with riot shields.	
M. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
N. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
O. An officer	Discourtesy: An officer spoke discourteously to individuals.	[REDACTED]

Case Summary

On June 10, 2020, § 87(2)(b) filed this complaint via the CCRB website on behalf of herself, her friend, § 87(2)(b) and unidentified individuals.

On May 29, 2020, at approximately 9:10 p.m., § 87(2)(b) and § 87(2)(b) were attending a Black Lives Matter march with several hundred other protesters, headed eastbound on Dekalb Avenue towards Classon Avenue in Brooklyn. When the protestors, who were marching in the street, reached the 88th Precinct stationhouse, Captain Ryon Malcom of the 88th Precinct authorized officers to push the crowd onto the sidewalk (**Allegation A – Force, § 87(2)(g)**). Shortly afterwards, Chief Jeffrey Maddrey of Patrol Borough Brooklyn North ordered a line of unidentified officers to push the crowd westbound on Dekalb Avenue (**Allegations B, C, and D – Force, § 87(2)(g)**) (**Allegation E – Force, § 87(2)(g)**). § 87(2)(b) observed officers wrestling with protesters in the street (**Allegation F – Force, § 87(2)(g)**). An unidentified officer, PO1, pushed § 87(2)(b) who fell back into § 87(2)(b) which caused them both to fall to the ground (**Allegation G – Force, § 87(2)(g)**). § 87(2)(b) stood up and began walking away when another unidentified officer, PO2, pushed her in the back with his baton twice in quick succession, first hitting her right arm and then hitting her left hand, which resulted in a fractured left index finger (**Allegation H – Force, § 87(2)(g)**). § 87(2)(b) saw multiple other unidentified officers strike unidentified protesters with their batons (**Allegation I – Force, § 87(2)(g)**). As § 87(2)(b) and multiple other unidentified protestors attempted to leave the protest, a group of unidentified officers, including PO3, used riot shields to push them against a fence (**Allegation J, K, and L – Force, § 87(2)(g)**) and an officer, PO3, told them to “Get the fuck out of here” (**Allegation M, N, and O – Discourtesy, § 87(2)(g)**). § 87(2)(b) and § 87(2)(b) were not arrested or summonsed.

Several body-worn camera (“BWC”) videos of this protest were obtained from NYPD Legal in response to requests stemming from this case and five other CCRB cases stemming from this protest (**Board Review 1-37**). TARU footage was obtained but did not contain footage of the interactions involved in this case (**Board Review 38**). § 87(2)(b) said she had cell phone video of the incident, but she ultimately declined to provide it to the investigation.

Allegation E – Force: Officers used physical force against individuals.

Allegation F – Force: Officers used physical force against individuals.

Allegation G – Force: An officer used physical force against § 87(2)(b)

Allegation H – Force: An officer struck § 87(2)(b) with a baton.

Allegation I – Force: Officers struck individuals with batons.

Allegation J - Force: Officers struck § 87(2)(b) with riot shields.

Allegation K – Force: Officers struck § 87(2)(b) with riot shields.

Allegation L – Force: Officers struck individuals with riot shields.

Allegation M – Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation N - Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation O – Discourtesy: An officer spoke discourteously to individuals.

Known facts and general descriptions:

After being interviewed by the CCRB, contact attempts were made to § 87(2)(b) in an attempt to ask follow-up questions regarding this complaint, but she declined to participate in the investigation further because she did not want to relive the incident by continuing to speak about it. She also declined to sign HIPAA forms that would have granted the investigation access to her medical records related to the fractured finger she said she sustained during this incident.

At the time of her CCRB interview, § 87(2)(b) was unable to recall her exact location during this incident. She said she and § 87(2)(b) were walking eastbound on the northern sidewalk of Dekalb Avenue when they encountered two rows of officers somewhere between St. James Place and Classon Avenue. § 87(2)(b) and § 87(2)(b) were standing along a black fence. [A Google Maps search revealed the fence § 87(2)(b) described spans 178-yards between Steuben Street and Classon Avenue.]

§ 87(2)(b) did not specify how far she was standing from the officers who wrestled with unidentified protesters in the street, but she said she was positioned too far away to clearly see or describe the parties involved. She described PO1, the officer who pushed § 87(2)(b) (who fell back into § 87(2)(b) which caused them both to fall to the ground), as a light-skinned man, who was heavy set, dressed in a dark blue uniform, and was wearing a helmet with a face shield. § 87(2)(b) described PO2, the officer who pushed her in the back with his baton twice, as a black man, who was 5'8" tall, with muscular arms, broad shoulders, a muscular or heavyset build, in his mid-30s, and dressed in a dark blue uniform, gloves, and a helmet with a face shield. She alleged that other officers struck unidentified protesters with their batons at the location, but said the situation was too chaotic for her to recall any physical descriptions or identifying information about those parties either. With exception to PO3, § 87(2)(b) was unable to describe the other officers who pushed her, § 87(2)(b) and the unidentified protesters with their riot shields against the fence. § 87(2)(b) described PO3, one of the officers who did this and the officer who ordered the protesters to "Get the fuck out of here," as a white man who was 5'6" tall, in his late 40s, wearing glasses, and dressed in a dark blue uniform and gloves (**Board Review 39**).

§ 87(2)(b) was unavailable to the investigation (see IAs for contact attempts).

Video Evidence:

One BWC footage request generated under another CCRB case stemming from the same protest yielded eight BWC videos that contained footage generally consistent with § 87(2)(b)'s account of the protest that evening, though the footage does not capture the interactions described by § 87(2)(b) nor are any civilians matching the descriptions § 87(2)(b) provided for herself or § 87(2)(b) visible in the footage. A review of these BWC videos identified 14 officers with shield numbers visible on their helmets.

A second BWC request was generated for BWC footage from these 14 officers, as well as any footage capturing the northern sidewalk of Dekalb Avenue, west of Classon Avenue, along the black fence § 87(2)(b) described (**Board Review 44**). This request yielded 37 videos, of which nine contain footage of officers engaging with protesters on Dekalb Avenue between Classon Avenue and Steuben Street, and only one video which contains footage of the northern sidewalk (**Board Review 33**). These videos depict officers shoving, kicking, and using baton strikes against protesters as the crowd is pushed eastbound on Dekalb Avenue. Officers are also seen detaining several protesters on the ground. Because no one fitting § 87(2)(b)'s description of herself nor any individual fitting § 87(2)(b)'s description of § 87(2)(b) are captured in these videos, and because without § 87(2)(b)'s continued cooperation, the investigation was unable to determine if any of the interactions captured in these videos were the ones she witnessed from her location, (which as detailed above, she was unable to specifically identify during her CCRB interview), an IAB referral was generated under CCRB # 202007723 to address them.

The second BWC request also yielded one video from Captain Malcolm. In Captain Malcolm's BWC footage, between the 00:00 and 00:14 minute marks of the media player timestamp (visible at the bottom of the screen), an unidentified officer asks Captain Malcolm what to do about protesters who were beginning to arrive near the stationhouse. Captain Malcolm says, "Push them on the

sidewalk.” Between 00:20 and 02:00, Captain Malcolm runs into a crowd of protesters and arrests § 87(2)(b) on the ground. While on the ground, Captain Malcom is immediately surrounded by dozens of protesters. He radios for additional officers. Protesters stand within feet of him and yell at him to get off the individual and let him go. Captain Malcolm stands up and again radios for assistance as he begins to escort the individual through the crowd of protesters, who continue to yell at him. Several additional officers arrive and order the crowd to back up. At 02:09, Captain Malcolm says “He [the individual] did that to the car. I saw him.” Officers escort the individual from the crowd of protesters, who are chanting, “let him go.” Officers repeatedly order the crowd to back up. Between 03:45 and 04:19, an unidentified officer asks Captain Malcolm what to do about the protesters “in the middle.” Captain Malcom says to push them “out of the way.”

Between 04:55 and 05:25, Chief of Patrol Fausto Pichardo is captured speaking on the phone. He states that there are about 500 protesters at the location and asks Captain Malcolm if any protesters are inside the stationhouse. Captain Malcolm says no. Chief Pichardo says into the phone, “We’re going to have to take some collars over here” and “We’ve got the whole stationhouse secure.” At 06:00, Captain Malcolm, who is standing on the Classon Avenue side of the stationhouse, radios to Central Command that a crowd is trying to overrun the stationhouse. He orders officers to secure the south side of the stationhouse and to not let anyone pass.

At 10:50, Captain Malcolm walks to Dekalb Avenue, east of Classon Avenue, and gives numerous orders to protesters in the street to move onto the sidewalk. At 11:15, Captain Malcolm says to an unidentified officer, “Can you make sure they get on the sidewalk please?” At 11:45, Captain Malcolm walks back towards the stationhouse and the large crowd, which had previously formed on Dekalb Avenue on the western side of the stationhouse, is no longer there. At 11:55, an oversized crowd is reported to be at Fort Green Park. At 14:50, Captain Malcolm instructs officers to go to Fort Green Park and says that he has the situation at the stationhouse “covered.” Several officers remain outside while Captain Malcolm eventually enters the stationhouse.

A TARU request did not yield any footage that captured the interactions described by § 87(2)(b) (Board Review 38). The incident occurred along the southeastern side of the Pratt Institute Campus, but an inquiry made to the Pratt Institute Security Office revealed that they had no video surveillance cameras posted at the incident location. Social media searches revealed various videos of police interactions at this protest, but none capture individuals fitting the descriptions of § 87(2)(b) or § 87(2)(b) or the area along the fence that § 87(2)(b) described.

Concurrent Investigations:

No concurrent investigations were pursued related to this complaint.

NYPD Documents Reviewed:

Event documents from within the confines of the 88th Precinct reveal numerous jobs, some of which occurred at the 88th Precinct stationhouse. They include calls for additional units in regard to large crowds, objects being thrown at officers, fires, and police vehicles being vandalized and destroyed (Board Review 42).

The Patrol Borough Brooklyn North Detail Roster contained 59-pages, many of which were illegible, of officers from various commands who were deployed to numerous locations within the Patrol Borough, including the 88th Precinct, Fort Greene, the Brooklyn Bridge, the Manhattan Bridge, Cadman Plaza, Albee Square, and other locations (Board Review 43). Of the pages that were legible, six included a total of 56 officers from various commands who were deployed to unspecified locations within the 88th Precinct. Considering the number of officers listed on the

illegible pages of the Detail Roster, as well as the visible (in video footage) police presence at the 88th Precinct stationhouse, these officers only account for a fraction of the officers who ultimately responded to the stationhouse, for which there is no known documentation.

Ranking Officers:

Captain Ryon Malcolm, the Commanding Officer of the 88th Precinct, and Chief Jeffrey Maddrey of Patrol Borough Brooklyn North were identified as high-ranking officials on scene during the protest. Chief of Department Terrence Monahan was also interviewed regarding this case.

Chief of Patrol Fausto Pichardo was identified as one of the highest-ranking officers on scene. He was not interviewed because he retired from service on November 13, 2020 (**Board Review 50**).

Officers Interviewed:

Captain Malcolm stated that earlier in the evening, a level two mobilization (described as a rapid deployment of one sergeant and eight officers from every command to a specific location) had been mobilized to a protest at the Barclays Center, where approximately 1,000 protesters were in attendance. After leaving the Barclays Center, some of the protesters headed to Fort Green Park, and Captain Malcolm followed. While at Fort Green Park, Captain Malcolm heard a protester say the crowd was marching to the 88th Precinct stationhouse, and he requested that the level two mobilization be moved to that location. (Captain Malcolm stated that there was no documentation of the specific officers or commands that arrived in response to the level two mobilization, and no documentation was revealed to the investigation.)

Captain Malcolm entered his vehicle and drove to the stationhouse, passing by the marching protesters on the way. He arrived at and stood outside of the stationhouse with a small group of 20-25 officers whom he could not identify. Chief Maddrey, Chief Pichardo, and Chief Michael Lepetri of Crime Control Strategies were present on scene. Captain Malcolm ordered officers to place metal barriers on Dekalb Avenue to secure the stationhouse. He did not issue any other commands regarding what to do about the approaching crowd of protesters at this time.

The crowd of approximately 1,000 protesters arrived at the stationhouse from Dekalb Avenue. A separate crowd, which had separated from the group on Dekalb Avenue, arrived from Classon Avenue, seemingly in an attempt to “flank” the stationhouse. Approximately 10 minutes after the protesters first began to arrive, they became aggressive and began throwing objects at officers and damaging police vehicles. Captain Malcolm witnessed a protester smash the windshield of a marked patrol car. He pulled the protester away from the patrol car, which caused the protester to fall to the ground. Unidentified officers handcuffed the protester on the ground and escorted him back to the stationhouse. Captain Malcolm entered the stationhouse, and he remained inside to supervise the mass arrests that ensued.

As Captain Malcolm entered the stationhouse, he observed numerous additional unidentified officers with helmets and riot shields arriving, and he observed unidentified officers begin to push the crowd eastbound on Dekalb Avenue. Captain Malcolm denied witnessing any of the allegations made by § 87(2)(b). During his CCRB interview, Captain Malcolm initially denied issuing any orders to use force against protesters and stated that he did not have the authority to do so. As the Borough Commander, Chief Maddrey was the one with the authority to authorize specific types of force to disperse the crowd, though Captain Malcolm did not know if any such orders were given. Upon reviewing his BWC footage, where between the 03:45 and 04:19 minute-marks of the media player timestamp (visible at the bottom of the screen), in response to an unidentified officer asking what to do about the protesters “in the middle,” Captain Malcolm says to “push them out of the way,” Captain Malcolm said he did not recall issuing this order but noted, based on the footage,

that it was given after protesters had surrounded the stationhouse and begun to damage property **(Board Review 40)**.

Chief Monahan stated that earlier in the evening, while present at the Barclays Center, he learned that protestors there planned to later march to the 88th Precinct stationhouse, and that protestors planned to “take over a stationhouse.” Chief Monahan did not specify his source of knowledge for this information. Chief Pichardo and Chief Maddrey travelled to the 88th Precinct stationhouse to supervise the NYPD response to this protest’s planned change of venue. NYPD Operations assembled a mobilization of officers to respond to the stationhouse. Chief Monahan was not present at the stationhouse and did not direct any officers to use force against protesters at the location **(Board Review 45)**.

Chief Maddrey stated that he was at the Barclays Center earlier, but left and headed to the 88th Precinct stationhouse at approximately 8:30pm, upon receiving a phone call from Chief Monahan, who said there was a credible source of information that protestors were going to attack and “burn down” the stationhouse. Chief Maddrey arrived at the stationhouse before any protesters did. He spoke with Captain Malcolm and other officers in preparation for the protesters’ arrival. Chief Maddrey told the group of approximately 20 to 30 officers to form a line on Dekalb Avenue to prevent protesters from entering the stationhouse. Aside from his concerns about the stationhouse being attacked by protesters, Chief Maddrey was also concerned that police vehicles and officers’ personal vehicles, which were parked on DeKalb Avenue, were going to get damaged.

When the group of protestors became visible and neared the stationhouse, a few at the front of the crowd charged the front line of officers and began pushing and punching officers. A few protesters also jumped on officers’ personal vehicles and police vehicles, attempted to set vehicles on fire, and threw rocks, bricks, and bottles at officers. Protesters tried to enter the rear yard area of the stationhouse and officers denied them entry and pushed them back. The officers’ objective at this point was to protect themselves and the nearby vehicles, and they began making arrests. At one point, a male protester picked up a cobblestone. Chief Maddrey made eye contact with this male protester and said, “You’re going to kill somebody with that.” The male protester put it down. Chief Maddrey described the scene as “complete chaos” and noted that “at this point, we were just fighting for our lives.” The officers had no helmets or riot equipment.

Chief Maddrey radioed for additional units with riot shields to respond to the location and additional units from multiple commands, including officers with riot shields, ultimately arrived, though Chief Maddrey could not recall which units or which commands. Chief Maddrey ordered the unidentified officers to advance toward the crowd and push them back in order to get the crowd away from the stationhouse and the police vehicles. Once the officers reached the crowd, many civilians pushed, punched, and bit officers. Many officers wrestled with civilians to handcuff them. Chief Maddrey himself pushed back protesters who were approaching arrests-in-progress, pulled protesters off of officers, and pulled officers up off the ground. Chief Maddrey denied using his asp to strike civilians, but said some officers, whom he was unable to identify, used their batons to push civilians back. Chief Maddrey denied witnessing any officer swing at or strike any protesters with their baton. He did not see any officer use a riot shield to push any protester nor did he use or hear any other officer use profanity.

By this point, many officers had sustained injuries. One Commanding Officer, Deputy Inspector John Mastronardi of the 75th Precinct, was hit in the face by a flying brick, which shattered his teeth, some of which he lost permanently. A lieutenant from the NYPD Legal Bureau sustained a head injury. The Commanding Officer of Central Park, Captain William Gallagher, was hit in the head and bled from his ear.

Chief Maddrey did not provide any additional specific supervisory directives to officers on scene because the situation was so chaotic that there was no opportunity to do so. No paperwork was prepared to document the additional units who responded to the scene due to the chaotic nature of the event (**Board Review 41**).

Allegation Recitation and Disposition:

§ 87(2)(g)
[REDACTED]

Allegation A – Force: Captain Ryon Malcom authorized the use of force against individuals.

Allegation B – Force: Chief Jeffrey Maddrey participated in the use of force against individuals.

Allegation C – Force: Chief Jeffrey Maddrey authorized the use of nightsticks/asps/batons against individuals.

Allegation D – Force: Chief Jeffrey Maddrey authorized the use of police shields against individuals.

As discussed above, despite Captain Malcom’s lack of independent recall regarding any orders he gave regarding officers using force against protesters, his BWC footage captures him instructing officers to push protesters onto the sidewalk and later to move protesters out of the way.

Chief Maddrey acknowledged issuing an order for officers to push the crowd of protesters back from the 88th Precinct stationhouse and stated that he waited to give this order until additional officers with riot shields had arrived. Chief Maddrey acknowledged that he participated in pushing the crowd back himself, and that he witnessed other officers use their batons to push the crowd back.

Chief Maddrey stated that prior to his arrival at the stationhouse, Chief Monahan, who was not present at this event, informed him that there was a credible source of information that “protestors” were going to attack and “burn down” the stationhouse. § 87(2)(g) Chief Monahan said in his CCRB interview that the information he was made aware of was that protesters planned to march to the 88th Precinct stationhouse and “take over a stationhouse.” § 87(2)(g)

[REDACTED]

NYPD Patrol Guide, Procedure 221-01 states that force may be used when it is reasonable to ensure the safety of an officer or a third person, or otherwise protect life. In all circumstances, any application or use of force must be reasonable under the circumstances (**Board Review 46**). NYPD Strategic Response Group Training Materials state the riot shields should be utilized when a crowd becomes or is suspected of becoming hostile and has engaged in throwing projectiles or liquids at

police lines (**Board Review 51**).

Captain Malcom and Chief Maddrey both described a chaotic scene where protesters had become aggressive and some, but not all, were attacking officers and damaging police vehicles. § 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 43**).
- Captain Malcolm has been a member of service for 21 years and has been a subject in one additional complaint and two additional allegations, neither of which were substantiated.
§ 87(2)(g)
- Chief Maddrey has been a member of service for 29 and has been a subject in 17 CCRB complaints and 38 allegations, of which three were substantiated.
 - #9501293 involved substantiated allegations of physical force, threat of arrest, and discourtesy (word). The Board did not make a discipline recommendation and the NYPD imposed no discipline.
 - § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of March 26, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this to incident (**Board Review 49**).
- According to the Office of Court Administration (OCA), neither § 87(2)(b) nor § 87(2)(b) has any history of convictions in New York City (**Board Review 47, 48**).

Squad No.: 13

Investigator: _____ Inv. Trevor Hackett 06/08/2021
Signature Print Title & Name Date

Squad Leader: _____ IM Laura Kastner 06/08/2021
Signature Print Title & Name Date

CCRB Case # 202004179